

**PLANNING COMMISSION  
REGULAR MEETING AUGUST 3, 2015**

Anthony Whelan, Chairman, opened the meeting at 6:00 P.M. with the following in attendance:

**MEMBERS:**

Anthony Whelan, Chair  
Robert Pease, Vice-Chair  
Harry Jancis, Absent  
Ray Krzykowski  
Robert Clark, Alternate  
Dave Sletner, Alternate, 6:12 p.m.

**OTHERS:**

Sue Goggin, ZEO  
Lori Rotella, Assistant ZEO  
Wayne Zirolli, Borough Engineer  
Public - 0

1. Anthony Whelan led with the Pledge of Allegiance. He took attendance, and noted there was a quorum. He appointed Robert Clark a regular voting member for the vacant position and Dave Sletner a regular voting member for Harry Jancis.
2. Executive session with Borough Attorney.  
There was no executive session.
3. Review /Approval of the July 6, 2015 Regular Meeting Minutes.

**VOTED:** 4-0-1 on a motion by Ray Krzykowski and seconded by Robert Pease to **APPROVE** the July 6, 2015 Regular Meeting Minutes as written.

**FOR**

Anthony Whelan  
Robert Pease  
Ray Krzykowski  
Robert Clark

**AGAINST**

**ABSTAIN**

Dave Sletner

**4. NEW BUSINESS**

- A. Commission discussion/decision regarding a referral from the Naugatuck Zoning Commission for special permit application for proposed construction of building to house a convenience store and two additional retail spaces and gas filling station at 1198, 1202 & 1204 New Haven Road, Applicant: HZM Petroleum Corp.

Michael H. Horbal, Registered Land Surveyor, 52 Main Street, Seymour, CT. Michael explained the project for the special permit he is presenting to the commission, which will be a combination of a gas filling station with a convenience store and two retail stores. The use of the retail stores will be determined in the future. Anthony Whelan asked what is on the parcel at this time. Michael said the site is currently vacant except for a concrete slab. Wayne Zirolli said that it used to house the old Naugatuck Plumbing Supply. Michael also explained the location of the site and where the building will be located on the site. They have received

approval from the WPCA and currently have applications into the state and the department of transportation and are waiting for comments back from them. The parcel was originally 3 smaller parcels, 1198, 1202 and 1204 New Haven Road. They will be served by city sewer. Wayne Zirolli has done a review of the site plan and they are addressing the items on his review. WPCA has them pumping across the road due to the number of water lines in the shoulder that would make adding another utility to the shoulder impossible. Wayne discussed the upland review with them. HZM is planning on onsite storage for the storm water instead of connecting into the storm water system. They provided a storm water report. They had discussions with Wayne to make sure the storage system is adequate. Wayne believes, over all, the site plan looks good. Robert Clark questioned Edward Leavy, the engineer on the project, about the storm calculations. Robert Clark also had questions about the lighting. The plan referenced 18 light lamps but the plan was 3 short. Mike Horbal will forward the question to the lighting engineer. Robert also question where the sidewalks are on the plan. Susan Goggin mentioned that the 5' concrete sidewalks are shown on the site plan. Robert Pease had more questions regarding the storm water calculations. They will be using perforated pipe and stone. Mike Horbal stated they need to address all of the comments from the town engineer as well. Robert Pease questioned the drive thru window on the plans. Mr. Amed, the owner of the property would like to have a bank at this location, but it is not solidified at this time. Anthony asked if there were any public comments. There was none at this time. The commission tabled making a decision until September 14, 2015 meeting.

- B. Commission discussion/decision regarding a referral from the Board of Mayor and Burgesses pursuant to Section 8-24 of the CT General Statutes for proposed purchase of property at 0 Andrew Mountain Road, Parcel ID #022-1700, #022-1800, #022-1900.

Attorney Ned Fitzpatrick, Borough Council – this is a referral from the Borough Board. Attorney Fitzpatrick showed the location on the map of the 145 acre parcel the Borough owns. It is located off Andrew Mountain Road and connected by the Old Derby Turnpike. It is a passive recreation park. Attorney Fitzpatrick gave an overview of how and when the 4 parcels were purchased and what they would be used for. On this site was a very active, well known dirt bike trail that has since been shut down. Attorney Fitzpatrick showed on the map the area the Borough is looking into possibly purchasing which is approximately 90 acres. State Statute requires a referral to this board for input into acquisition of the properties. He explained that a State Statute currently passed that could provide possible help with 90% of reimbursement of the appraised value if the property qualifies and meets the criteria. Fred prepared a proposed use with the piece the Borough owns and shows connectivity with the piece they are looking into purchasing. Attorney Fitzpatrick shows also where the dump site is located near the property. If the commission gives a positive referral on purchasing the property, we would have to go through

the normal due diligence procedures. Attorney Fitzpatrick read the reports and there were no findings in this piece. Does the commission feel this is an appropriate piece to acquire? He explained what would have been going in there if Huntington Hills Subdivision went through. This piece connects to the State Forest and the piece previously purchased. Anthony Whelan asked if the property is land locked. Attorney Fitzpatrick explained it is not. The property has been title searched a number of times. Wayne explained the map with the proposed uses for this parcel – parking, additional ball fields, sanitary facilities, basketball. If the Boroughs purchases the property we can start developing the recreational areas already owned up there - dog park, community garden, ballfields, parking and walking trails. Anthony questioned if the land is landlocked because he was wondering if a developer could buy this and build houses. He wants to understand the reason we are looking at this parcel. Attorney Fitzpatrick explained the borough is looking long term to see what the highest and best use for the property is. Robert Pease explained about a piece of property next to the parcel being discussed now, on Old Derby Turnpike, that was the most problematic section of Huntington Hills other than the dead zone. That section is highlighted as most likely to be unsuitable for human avocation, although a stage 3 impact was never done. What would be the town's liability if we own that parcel. Attorney Fitzpatrick noted the reports do not highlight this property as having a problem. That would be part of the town's due diligence to look into if they decide to move forward. Anthony Whelan asked the commission if they would like to do a site walk. A site walk is scheduled for Thursday, August 6, 2015 at 10:30 a.m. Paul Riley(?), one of the owners of the property, granted permission for the commission to walk the property. The commission will meet at 266 Andrew Mountain Road, where the sign for the State of Connecticut is. Anthony Whelan asked for the public's comments. Carl DeCarli, listing agent representing the seller of the property explained all of the fun stuff about the property. He showed the commission where the city sewer and city water hookups were located on the map and the distance it is from the property. He showed the two entrances for the property. He handed out packets of what was done in Milford to give the commission an idea of what could be done here. He thought this might be a good spot for this, similar to a sports complex. Robert Pease has concerns that Andrew Mountain Road could not handle the traffic and the cost to improve the road would be in the multi-millions of dollars. To bring water up there, which is a 220 foot elevation, would require a pumping station, which is another cost. Electricity would be easy to bring up there. Anthony Whelan tabled this until August 6, 2015 at 10:30 a.m. They will meet at 266 Andrew Mountain Road. They will continue this until the next meeting on September 14, 2015.

- C. Commission discussion/decision regarding a referral from the Board of Mayor and Burgesses pursuant to Section 8-24 of the CT General Statutes for proposed purchase of property at 0 Farmstead Lane, Parcel ID #055-2303.

Attorney Fitzpatrick explained this is a 13 +/- acre parcel. The parcel would give access to a historic spot in Naugatuck – Joe’s Rock. The parcel abuts the bridle trail. Its significance is the connectivity to current Borough property and the bridle trail. Attorney Fitzpatrick met with the owner and the Borough Engineer. The owner indicated that he would do the grading for a parking area at no expense. The improvements would be a donation to the town. Robert Pease wants to know what kind of grant the town will be applying for. Attorney Fitzpatrick said it will be a Conservation Grant. Attorney Fitzpatrick recommended the commission have proposed uses in their recommendation to the Borough Board. Robert Pease would like to know the size of the parking lot being proposed. Attorney Kevin McSherry said there has been discussions with the Bosco Family to connect this parcel to Bosco Drive and develop the area. Robert Clark talked about the number of parking spots needed for active uses, like soccer, would be much more than for passive use. He wanted to know where the money is coming from to develop this parcel. He said the town is struggling to maintain the facilities we have now. Robert Clark explained that he was a relative of Mr. Judd and he donated 27+ acres to Middlebury free of charge, because it was the right thing to do. He doesn’t believe these property owners are looking to donate this parcel. Attorney Fitzpatrick explained to the commission that the numbers associated with this piece are much different than the other piece brought before the commission tonight. The grant money that is available might be 75% of the appraised value if it is passive or up to 90%. They have a concern that they would like to get some applications in before the grant money is gone. The owner of this parcel will make improvements to grading and parking at his expense. Robert Pease asked about the tax revenue on this parcel. Attorney Fitzpatrick explained the tax revenue is very small on this piece, it is larger on the other parcel. Attorney Fitzpatrick said the fair market value of the parcel is approximately \$150,000 so the assessment is around \$90,000 – \$95,000. Anthony Whelan tabled this until September 14, 2015 meeting.

- D. Commission discussion/decision regarding a referral from the Board of Mayor and Burgesses pursuant to Section 8-24 of the CT General Statutes for proposed Access and Easement Agreement for Saurin and Hema Desai, 128 Melbourne Court.

Attorney Ned Fitzpatrick explained this is a referral from the Board of Mayor and Burgesses regarding a drainage issue. This has been going on for 7 years. The town has established a policy regarding these issues. They must have the following criteria: 1) there has to be a problem that has been manifested by a public official or public body action or inaction that leads to the harm of a home owner or group of home owners, 2) it has to be a problem that the borough can reasonable address using in-house resources, 3) it has to be reasonable, scope and cost, and 4) it has to be effective. The town has taken care of approximately 15 of these issues and none of them have been back. Attorney Fitzpatrick explains that 128 Melbourne Court grading of the lot was never done correctly. Wayne will prepare a drawing

of what needs to be done to correct this issue. The work will be done in-house. Mr. Stewart suggested that the home owner provide the top soil and the town will do the grading. Wayne Zirolli explained how much material is needed for the job and the size of the lot and what work is to be done. Wayne Zirolli estimates about 160 yards of top soil which is about \$5,000 and in-house labor which is about 2 days of labor for a total of approximately \$8,000 - \$10,000. Attorney Fitzpatrick told the commission this work does not include the driveway. He also said there is still about \$52,000 left in forfeited bond money from the developer of that subdivision. Robert Pease wants to know if that could be used to do the work and take care of the cost to the Borough. Attorney Fitzpatrick would like to schedule the work before the winter. We have already put off for a couple of summers.

**VOTED: Unanimously** on a motion by Robert Pease and seconded by Dave Sletner to send a **positive** referral to the Board of Mayor and Burgesses for the execution of an Access and Easement Agreement for 128 Melbourne Court and that the Borough's portion of the expenses be funded though the forfeited bond money from Melbourne Court.

- E. Commission discussion/decision regarding nomination of Town Planner/Zoning Enforcement Officer to the Regional Planning Commission of the Naugatuck Valley Council of Governments to represent Naugatuck based on a request by Mayor Mezzo.

**VOTED: Unanimously** on a motion by Robert Pease and seconded by Robert Clark that the Planning Commission nominate Susan Goggin as the Regional Planning Representative for the Borough of Naugatuck.

Susan Goggin will take care of all of the paperwork for this nomination.

- F. All new items require a 2/3 vote.

**VOTED: Unanimously** on a motion by Robert Pease and seconded by Ray Krzykowski to add to the agenda a discussion of the vacancy on the commission.

Robert Pease reported that the commission has had the vacancy since the last election. The vacancy has been there for two years. State Statue 8-19 says unless otherwise provided by the charter, the vacancy shall be filled by the commission for the unexpired portion of the term. That means they have two years left for that vacancy. Robert Pease would like to have the vacancy filled. Anthony Whelan was under the impression that only the Mayor and Board of Burgesses can fill this position. Susan Goggin has a letter from the Borough Clerk who initiated this. Susan asked Attorney Fitzpatrick if the commission can fill the position tonight. He said yes but it has to be from the same party as the vacancy. The commission had a discussion as to what party affiliation can fill the position and how many people can run and how many can be elected. Anthony would like

confirmation from the town attorney before they make a decision as to who can fill the position. Anthony would like to put this on next month's agenda as the first item after attendance. Susan will put on as New Business item A.

## **5. OLD BUSINESS**

- A. Commission discussion/decision regarding revisions to zone map and creation of Prospect Street Design District, Applicant: Borough of Naugatuck

Susan Goggin reported there is no new information. The consultants revised the map based on comments from the last Planning Commission meeting, which were minimal. The Zoning Commission had no comments. The revised map removed Pisani Steel, PDD11 and a couple of other little parcels from the map. Susan received a suggestion about possibly revising the PSDD to include only up to Prospect Street School. Susan sent an email to Carol Gould regarding this possible change. The commission will table this discussion/decision to the September 14, 2015 meeting.

- B. Commission discussion/decision regarding a referral from the Naugatuck Zoning Commission for special permit application for proposed construction of two story 44,600 square foot building and auto park at Lots 18 & 30 Raytkwich Road, Applicant: A Better Way Wholesale

Attorney Kevin McSherry - A Better Way Wholesale. Attorney McSherry explained how Mike Lambert has redesigned the plans to reduce the amount of cubic yards being taken off the site from 70,000 cubic yards to 8,000 cubic yards. Mike Lambert with Harry E. Cole & Son, 876 South Main Street, Plantsville, CT 06479. Mike explained that after consulting with Wayne Zirolli, he received a 4 page comment letter to redesign the plans. Some of the changes included shifting the driveway entrance and pulling all parking of the vehicles out of the 50 foot buffer area. They went from 980 parking spaces to 805. Mike Lambert went over the new drainage system. Anthony Whelan asked if he has presented his redesigned plans to the Wetlands Commission. Mike explained they presented once and did a site walk in early July. Susan Goggin said they are on the agenda for August 5, 2015. Robert Pease asked if there will be a fueling facility on this site. Attorney McSherry said not on this site. They are also purchasing 49 Raytkwich Road for a repair site. This site checks out for all they need to do. Mike explained they should be finalizing all of the plans by Tuesday and have printed and dropped off by Wednesday afternoon before the meeting. They will have a full set of plans including drainage reports and full commission response letters. The commission discussed the next steps with getting the plan approved. Attorney McSherry explained where the location is in the industrial park and the history behind A Better Way moving to this area. Susan Goggin explained the NEDC gave them until October 1, 2015 to move the cars from the Risdon property.

**VOTED: Unanimously** on a motion by Robert Clark and seconded by Robert Pease to make a positive referral to the Zoning Board conditional upon acceptance by the Borough Engineer of the reports and designs that are still due.

## **6. ADJOURNMENT**

**VOTED:** Unanimously on a motion by Robert Pease and seconded by Ray Krzykowski to adjourn the meeting at 8:22 P.M.

RESPECTFULLY SUBMITTED:

Ray Krzykowski, Secretary/lr